

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-234

February 9, 1998

Frederick F. McDougall et al. v.
Jackman Water District, Complaint
Alleging Jackman Water District's
Proposed Pro-Rata Assessments Are
Unfair, Unreasonable and Unjustly
Discriminatory

ORDER APPROVING
STIPULATION

WELCH, Chairman; NUGENT and HUNT, Commissioners

On April 10, 1997, the Commission received a complaint signed by Frederick F. McDougall and 9 other persons against Jackman Water District (District). The complaint, filed pursuant to 35-A M.R.S.A. § 1302, requested that the Commission investigate allegedly unfair, unreasonable and unjustly discriminatory pro-rata assessments for the repair of a water main. All of the complainants were residents or property owners in the Moose Point subdivision, which was served by a single water main. The ownership of the line was in dispute and repairs were needed to continue service to the property owners in the subdivision. On May 9, 1997, the District provided its reply alleging that the water line in question was privately owned and that the District's proposed assessments were reasonable and necessary to upgrade the line before assuming ownership. A settlement conference was held in Jackman on July 16, 1997 to discuss the possibility of achieving a negotiated settlement in this matter. On January 16, 1998, the Commission received a proposed Stipulation of the parties that, if accepted, would resolve this matter in its entirety.

Under the Stipulation, the parties agree to share in the expense of upgrading the water line, with ownership to be assumed by the District 30 days after repairs are completed. Under the stipulation, the District agrees to contribute \$7,800 in cash or services toward the cost of replacing the water main. The remaining costs will be shared equally among Moose Point property owners who obtain public water from the replacement main. Furthermore, no property in the Moose Point subdivision may be served by the District within 10 years of construction unless the property's owner has paid the pro-rata assessment.

We have reviewed the proposed Stipulation in this matter and find the Stipulation to represent a fair and reasonable resolution of the issues raised by the petitioners.

Accordingly, we

O R D E R

1. That the Stipulation filed in this case and attached to this Order as Appendix A is approved and incorporated into this Order.

Dated at Augusta, Maine this 9th day of February, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt